

Serial No. 10/787,330
8 Dec 2004 Reply to
8 Nov 2004 Office Action

Remarks

After the foregoing amendment, claims 1 – 11, 13 – 15, and 21 – 22 are pending, with claims 1, 1, 9, 13, and 21 being the independent claims. Claims 12 and 16 – 20 have been canceled pursuant to the restriction requirement.

Restriction Requirement

The pending claims are subject to a restriction requirement dividing the claims into the following groups:

- I. Claims 1 – 11 and 21 – 22, drawn to a system for processing a digital image by using an image processing algorithm;
- II. Claim 12, drawn to a method for creating an image processing algorithm;
- III. Claims 13 – 15, drawn to a method for remote execution of an image processing algorithm; and
- IV. Claims 16 – 20, drawn to a method for processing a digital image by parsing the information to obtain a destination module.

Applicant elects claims 1 – 11 and 21 – 22 in group I.

Traversal of Restriction Requirement

Applicant agrees that the claims presented in groups II and IV are independent and distinct. Applicant respectfully contests the restriction requirement as related to groups I and III. The claims in group I are directed toward a system for processing a digital image by executing an image processing algorithm on the digital image. The final element in independent claim 1 and the next to last element in independent claim 21 both include this step. The claims in group III are directed toward the claimed system from group I, whereby the system is employed by remote instruction. Thus, the two groups are not “independent” as required in MPEP 802.01. Furthermore, the methods in claim 9 and claim 13 are very similar in scope and are both directed toward a method for processing a digital image. The limitation that the processing is carried out by remote instruction in claim 13 does not make these claims patentably distinct. Accordingly the two groups are also not “distinct” as required in MPEP 802.01. Applicant respectfully requests reconsideration and withdrawal of the restriction of groups I and III and further requests that the claims in these two groups be carried forward for prosecution together in the present application.

Serial No. 10/787,330
8 Dec 2004 Reply to
8 Nov 2004 Office Action

Conclusion

Applicant respectfully submits that the claims in groups I and III are not independent and distinct. Applicant requests reconsideration and withdrawal of the restriction of groups I and III and further requests that the claims in these two groups be carried forward for prosecution together in the present application. Applicant agrees that the claims in groups II and IV meet the standard for restriction and those claims have been canceled. If the Examiner has any questions or comments regarding the above Amendments and Remarks, the Examiner is respectfully urged to contact the undersigned at the number listed below.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch LLP

Dated: December 8, 2004

By: 

Patric J. Rawlins
Reg. No. 47,887

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900